

R E M A R K S

In the present Application, Claims 1, 2, 7-9, 17-19, and 27-31 have been amended, Claims 3, 5-6, 10-16, 20, and 22-26 have been cancelled, and Claims 43-56 have been added. As such, Claims 1-2, 4, 7-9, 17-19, 21, 27-32, and 43-56 are currently pending.

The Examiner's rejections are as follows:

- I. Claims 3 and 22-25 were rejected under 35 U.S.C. 101 as allegedly directed toward non-statutory subject matter;
- II. Claims 2-3, 9, 22-25, 27 and 30 were rejected under 35 U.S. 112, second paragraph, as allegedly indefinite;
- III. Claims 1-7, 9-11, 15-16, 18-20, and 22-28 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Kroll et al.; and
- IV. Claims 8, 12, 13, 14, 17, 21, 29-30, and 31-32 were rejected under 35 U.S.C. 103(a) as allegedly obvious in view of a number of different obviousness rejections.

Applicants submit that the arguments and amendments described below traverse the Examiner's rejections.

I. 101 Rejection

The Examiner rejected Claims 3 and 22-25 under 35 U.S.C. 101 as allegedly directed toward non-statutory subject matter (Office Action, page 2). While Applicants disagree with this rejection, to expedite the prosecution of the present application, without acquiescing to the Examiner's rejection, while reserving the right to prosecute the original or similar claims in the future, Applicants have cancelled Claims 3 and 22-25. As such, this rejection is moot.

II. 112 Rejection

The Examiner rejected Claims 2-3, 9, 22-25, 27 and 30 under 35 U.S. 112, second paragraph, as allegedly indefinite (Office Action, page 3). In regard to Claims 3 and 22-25, as noted above, these claims have been cancelled, as such, the rejection of these claims is moot.

In regard to Claim 2, the Examiner alleges that the use of "and/or" is indefinite. Applicants disagree with this rejection (Office Action, page 3). Nonetheless, to expedite the prosecution of the present application, without acquiescing to the Examiner's rejection, while reserving the right to prosecute the original or similar claims in the future, Applicants have

amended Claim 2 to recite "or," which encompasses "and" and "or" embodiments. As such, Applicants submit that this rejection should be withdrawn.

In regard to Claim 9, the Examiner alleges that there is uncertainty regarding the etched metal clip and how it is formed (Office Action, page 3). Applicants disagree with this rejection. Nonetheless, to expedite the prosecution of the present application, without acquiescing to the Examiner's rejection, while reserving the right to prosecute the original or similar claims in the future, Applicants have amended Claim 9 to recite that the pair of electrically conductive bonding layers are formed from an etched metal clip that has been bent. As such, Applicants submit that this rejection should be withdrawn.

In regard to Claim 27, the Examiner alleges that there is insufficient antecedent basis for "the base of said housing." (Office Action, page 4). Applicants have amended this claim by reciting that the hermetic housing further comprises a "base end." Support for this amendment is found in the specification at, for example, page 17, line 21. In light of this amendment, Applicants submit that this rejection should be withdrawn.

In regard to Claim 30, the Examiner alleges that use of "and/or" renders the claim indefinite and further alleges that there is insufficient antecedent basis for "along the length of the outside cylindrical wall of said housing." (Office Action, pages 3-4). Applicants disagree with this rejection. Nonetheless, to expedite the prosecution of the present application, without acquiescing to the Examiner's rejection, while reserving the right to prosecute the original or similar claims in the future, Applicants have amended Claim 30 by deleting the "and/or" phrase, and by referencing the "wall" now present in amended Claim 1. Support for these amendments are found in the Specification at, for example, page 8, lines 29-30. As such, Applicants submit that this rejection should be withdrawn.

III. Novelty Rejection

The Examiner rejected Claims 1-7, 9-11, 15-16, 18-20, and 22-28 under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Pat. 6,005,955 to Kroll et al. (Office Action, page 4). Applicants disagree with this rejection. Nonetheless, to expedite the prosecution of the present application, without acquiescing to the Examiner's rejection, while reserving the right to prosecute the original or similar claims in the future, Applicants have amended Claim 1, as shown on page 2 of this communication, to recite additional features of the hermetic housing and vibrational

assembly, including: i) at least one controllable vibrating element comprising a plurality of piezoelectric elements and a plurality of electrically conductive bonding layers; and ii) an inertial mass configured to vibrate in response to vibration of the controllable vibrating element. The recited plurality of piezoelectric elements are "arranged in a stack" and "configured to alternately expand and contract when a voltage is applied." Support for these amendments is found in the Specification at, for example, page 11, lines 19-20; page 19, lines 4-20; and Figure 1 (e.g., Fig. 1a).

The Kroll et al. patent does not teach all the elements of amended Claim 1. For example, the "bi-element transducer" described in Kroll et al. bends with respect to the longitudinal plane between two opposing piezoelectric elements (see Col. 7, lines 12-19), while the piezoelectric elements recited in Claim 1 expand and contract. As such, it is clear that the Kroll et al. patent does not anticipate the amended claims.

IV. Various Obviousness Rejections

The Examiner rejected Claims 8, 12, 13, 14, 17, 21, 29-30, and 31-32 under 35 U.S.C. 103(a) as allegedly obvious in view of a number of different obviousness rejections (Office Action, pages 7-11). Applicants disagree with these rejections. However, Applicants submit these rejections are moot as these claims have either been cancelled (Claims 12-14) or have been amended via the amendments to Claim 1 (Claims 8, 17, 21, 29-32). As such, these rejections should be withdrawn.

V. New Claims 46-56

Applicants note that new Claims 46-56 have been added. Support for these claims is found in the Specification at, for example, page 8, line 29 - page 9, line 1; page 11, lines 12-17; page 17, lines 19-25; and Figure 1 (e.g., Fig 1a).